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by and through their guardian ad litem, Savannah St.
Clair

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

J.S.1, J.S.2, T.S., and A.T. by and
through their guardian ad litem,
Savannah St. Clair

Plaintiffs,
vs.

COUNTY OF KERN, a public entity;
FERNANDO ROCHA, an individual;
LINDA FLORES LOPEZ, an
individual; FLORENCE MIRANDA,
an individual; DEBRA
GREENWOOD, an individual,
OFFICER DONALD MARVIN, an
individual; OFFICER DOUGLAS
WILSON, an individual; KERN
MEDICAL CENTER, an entity, DOES
1 through 30, inclusive,

Defendants.

Case No:

COMPLAINT FOR DAMAGES

Claim 1: 42 U.S.C. §1983
(Unwarranted Seizure)

Claim 2: 42 U.S.C. §1983
(Deception)

Claim 3: 42 U.S.C. §1983
(Unlawful Medical
Examination)

Claim 4: Monell Claim (County
DHS - Seizure)

Claim 5: Monell Claim (County
DHS - Deception)

Claim 5: Monell Claim (County
Sheriff - Seizure)

Claim 7: Monell Claim (Unlawful
Medical Examination)

DEMAND FOR JURY TRIAL

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Jurisdiction and Venue

1. Plaintiffs J.S.1, J.S.2, T.S., and A.T. bring this action, by and through their guardian *ad litem* Savannah St. Clair, pursuant to 42 U.S.C. §1983, *et. seq.*, to redress the deprivation of rights secured under the United States Constitution, including the First, Fourth, and Fourteenth Amendments, and under federal and state law. These violations were inflicted by each of the Defendants in the manner herein alleged.
2. Jurisdiction is conferred on this Court by 28 U.S.C. §§1343(a)(3) and 1343(a)(4), which provides for original jurisdiction in this Court of all suits brought pursuant to section 1983. Jurisdiction is also conferred by 28 U.S.C. §1331.
3. Because the acts and omissions complained of occurred in the County of Kern, and it is believed that all defendants currently reside in the County of Kern, venue is proper in the Eastern District of California.
4. These allegations are based on Plaintiffs' personal knowledge, and/or on information and belief.

Parties

5. At all times relevant to this Complaint, Savannah St. Clair ("Savanah") and Andy St. Clair ("Andy") resided in the County of Kern, California, maintaining a family as the parents of their children and the minor Plaintiffs herein, J.S.1, J.S.2, T.S., and A.T.
6. At all times applicable herein, Defendant COUNTY OF KERN, was and is a public entity ("Kern County" or "County of Kern"). Kern County Department of Human Services ("Kern DHS" or "DHS") is a subdivision, entity, or administrative arm of Kern County. Kern County Sheriff's Department ("Kern Sheriff's Department") is a

subdivision, entity, or administrative arm of Defendant County of Kern.

7. Kern County operates, manages, and controls Jamison Children's Center ("Jamison"). (*See* Exhibit A.) The Jess Diamond Child Assessment Center ("Jess Diamond Center") is a multi-disciplinary center located at Jamison. (*See* **Exhibit A** and **Exhibit B**.) Jess Diamond Center Team is comprised of DHS social workers, county counsel, law enforcement, Kern Medical Center, and medical personnel. (*Ibid.*) Jamison operates, manages, and controls the Jess Diamond Center.
8. At all times relevant herein, Defendant FERNANDO ROCHA ("Rocha") is and was an individual residing in the County of Kern, and employed by Kern County as a DHS social worker. At all relevant times herein, Rocha was performing and/or carrying out his official duties as a Kern County official, employee, and/or agent, and was acting under color of law.
9. At all times relevant herein, Defendant LINDA FLORES LOPEZ ("Lopez") is and was an individual residing in the County of Kern, and employed by Kern County as a DHS social worker. At all relevant times herein, Lopez was performing and/or carrying out her official duties as a Kern County official, employee, and/or agent, and was acting under color of law.
10. At all times relevant herein, Defendant FLORENCE MIRANDA ("Miranda") is and was an individual residing in the County of Kern, and employed by Kern County as a DHS social worker. At all relevant times herein, Miranda was performing and/or carrying out

her official duties as a Kern County official, employee, and/or agent, and was acting under color of law.

11. At all times relevant herein, Defendant DEBRA GREENWOOD (“Greenwood”) is and was an individual residing in the County of Kern, and employed by Kern County as a DHS supervisor. At all relevant times herein, Greenwood was performing and/or carrying out her official duties as a Kern County official, employee, and/or agent, and was acting under color of law.
12. At all times relevant herein, Defendant DOE 1 is and was an individual residing in the County of Kern, and employed by Kern County as a DHS supervisor. At all times relevant herein, Defendant DOE 1 was Rocha’s supervisor. At all relevant times herein, DOE 1 was performing and/or carrying out his or her official duties as a Kern County official, employee, and/or agent, and was acting under color of law.
13. At all times relevant herein, Defendant DOE 2 is and was an individual residing in the County of Kern, and employed by Kern County as a DHS supervisor. At all times relevant herein, Defendant DOE 2 was Lopez’s supervisor. At all relevant times herein, DOE 2 was performing and/or carrying out his or her official duties as a Kern County official, employee, and/or agent, and was acting under color of law.
14. At all times relevant herein, Defendant DOE 3 is and was an individual residing in the County of Kern, and employed by Kern County as a DHS supervisor. Defendant DOE 3 was Lopez’s temporary or interim supervisor on, or about, November 2013. At all relevant times herein, DOE 3 was performing and/or carrying out his

1 or her official duties as a Kern County official, employee, and/or
2 agent, and was acting under color of law.

3 15. At all times relevant herein, Defendant DOE 4 is and was an
4 individual residing in the County of Kern, and employed by Kern
5 County as a DHS supervisor. Defendant DOE 4 was Lopez's
6 temporary or interim supervisor on, or about, December 2013. At all
7 relevant times herein, DOE 4 was performing and/or carrying out his
8 or her official duties as a Kern County official, employee, and/or
9 agent, and was acting under color of law.

10 16. At times when one or the other was indisposed or otherwise
11 unavailable, DOES 1-4 would cover for each other in the disposition
12 of their supervisory duties, which included signing court reports
13 under penalty of perjury.

14 17. At all times relevant herein, Defendant OFFICER DONALD
15 MARVIN ("Officer Marvin") is and was an individual residing in the
16 County of Kern, and employed by Kern County as a Kern County
17 Sheriff Deputy. At all relevant times herein, Officer Marvin was
18 performing and/or carrying out his official duties as a Kern County
19 official, employee, and/or agent, and was acting under color of law.

20 18. At all times relevant herein, Defendant OFFICER DOUGLAS
21 WILSON ("Officer Wilson") is and was an individual residing in the
22 County of Kern, and employed by Kern County as a Kern County
23 Sheriff Deputy. At all relevant times herein, Officer Wilson was
24 performing and/or carrying out his official duties as a Kern County
25 official, employee, and/or agent, and was acting under color of law.

26 19. At all times relevant herein, Defendant DOES 1-10 are and were
27 individuals residing in the County of Kern, and employed by Kern
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County as DHS social workers. At all relevant times herein, DOE 1-10 were performing and/or carrying out their official duties as Kern County officials, employees, and/or agents, and were acting under color of law.

20. At all times relevant herein, Defendant DOES 11-20 are and were individuals residing in the County of Kern, and employed by Kern County as Kern County Sheriff Deputies. At all relevant times herein, DOES 11-20 were performing and/or carrying out their official duties as Kern County officials, employees, and/or agents, and were acting under color of law.

21. Defendant KERN MEDICAL CENTER (“KMC”) is a medical center located in the County of Kern. KMC is operated, managed, and/or controlled by Kern County. In the alternative, KMC performs these medical examinations pursuant to a contract with Kern County. KMC is member of the Jess Diamond Center Team. (*See Exhibit A.*) KMC willfully performs forensic investigatory medical examinations in collaboration with and for the Kern County. (*See Exhibit A.*) John Digges, MD is employed by KMC, and serves as the Medical Director for the Jess Diamond Center and the Forensic Pediatrician for Kern County. (*See Exhibit C.*)

22. Defendant Doctor DOES 21-30 are and were individuals residing in the County of Kern, and employed by Kern County and KMC. Defendant Doctor DOES 21-30 voluntarily collaborated with DHS, and willfully participated in conducting forensic medical examinations at KMC. Defendant Doctor DOES 21-30 are Kern County employees and/or agents. Kern County compensated KMC

1 and Defendant Doctor DOES 21-30 for performing the forensic
2 medical examinations alleged herein.

3 23. Plaintiff is ignorant of the true names and capacities of those
4 Defendants sued as DOES 1 through 30. When ascertained, Plaintiffs
5 will amend this Complaint by inserting their true names and
6 capacities.

7 24. At all times mentioned herein, each of the above identified
8 Defendants were acting under color of law in committing the acts
9 alleged, and were acting within the course and scope of their duties.

10 25. Defendants were the knowing agents and/or alter egos of one another.
11 Defendants directed, ratified, and/or approved each other's conduct
12 and that of each other's agents or employees. Defendants agreed
13 upon, approved or ratified each other's conduct, or otherwise
14 conspired together to commit all of the acts and/or omissions alleged
15 herein. The above defendants are responsible for the occurrences
16 complained of, and conspired with, and/or aided and/or abetted each
17 other in committing the acts complained of.

18 **General Allegations**

19 26. Savanah and Andy were married in 2009. They are the biological
20 parents of T.S., J.S.1, and J.S.2. A.T. is Savanah's biological child
21 and Andy has cared for A.T. as his own child since 2008. In
22 September 2013, A.T. was 10, T.S. was 4, and the twins J.S.1., and
23 J.S.2 were two years and nine months old. Savanah and Andy were
24 adequately caring for their children for many years, and enjoyed a
25 strong and loving bond with their children.

- 1 27. Peggy St. Clair is Andy's mother, and the childrens' paternal
2 grandmother. John Traver is Savanah's father, and the children's
3 maternal grandfather.
- 4 28. In September 2013, Savanah, Andy and the children all lived together
5 as a family unit in a home owned by Savanah's father, John Tarver. In
6 exchange for rent, Andy was gradually remodelling the house.
- 7 29. On September 13, 2013, Savanah received a full-time academic
8 genetic research appointment with the University of California,
9 Riverside. She was officially hired on September 25, 2013. Andy
10 worked in construction and was studying for the Contractors State
11 Licensing Exam.
- 12 31. In September 2013, A.T. and T.S. were excelling in school.¹ A.T. was
13 classified as a Gifted and Talented student. As of September 24,
14 2013, A.T., T.S., J.S.1., and J.S.2. were happy and healthy, well cared
15 for, free of all distress and not in need of medical attention.
- 16 32. Andy and Savanah possessed California medical marijuana
17 authorization documents, which were prescribed by their doctor.
18 California law permits a person to legally possess and cultivate
19 marijuana for their personal medical purposes. Cal. Health & Saf.
20 Code §§11362.5 and 11362.775. Pursuant to California law, Plaintiffs
21 legally possessed raw medical marijuana and were cultivating medical
22 marijuana plants. Andy was medically authorized to cultivate and
23 grow up to ninety (90) medical marijuana plants.
- 24 33. All medical marijuana plants were, at all times, inaccessible to the
25 Plaintiffs children. A small number of plants were grown 500 yards
26 from Plaintiffs' house, on the same property, in a locked double

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28 ¹ At this time, J.S.1 and J.S.2 were not yet old enough to attend school.

1 fenced enclosure. The remaining plants were grown in a detached and
2 locked workshop on the property which was at all times inaccessible
3 to the Plaintiff children.

4 34. Savannah stopped using medical marijuana on September 13, 2013, in
5 anticipation of her new research appointment and as such did not pose
6 any threat to the safety of her children.

7 35. On July 31, 2013, Andrew "Duke" Maxwell, Plaintiffs' neighbor,
8 entered Plaintiffs' front yard and shot Plaintiffs' baby goat. Plaintiffs
9 J.S.1 and J.S.2. witnessed this grim event and were traumatized by it.

10 36. Maxwell's harassment continued. On August 2, 2013, Maxwell called
11 Kern DHS, and made a bad faith report of child neglect against
12 Plaintiffs parents Savannah and Andy. No allegation of any type of
13 physical abuse was reported. Maxwell alleged that Plaintiffs' yard
14 was dirty with construction trash, that J.S.1. and J.S.2. were dirty, and
15 that Plaintiffs' were cultivating marijuana. Maxwell also informed
16 DHS that he did not contact law enforcement regarding the marijuana
17 cultivation.

18 37. Around August 6, 2013, a general neglect allegation was assigned for
19 investigation as a non-emergency referral. Defendant Rocha was
20 assigned the investigation. In August, Rocha twice attempted to
21 initiate his investigation. But, between August 2, 2013 through
22 September 23, 2013, no DHS social worker, including Rocha, ever
23 contacted Andy or Savannah or otherwise met with the children.

24 38. On September 24, 2013, Andy and Savannah had not partaken of
25 marijuana at all. Nor were they under the influence of any drugs or
26 alcohol.

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Unwarranted Entry and Seizure

39. On September 24, 2013, Rocha set out to visit the St. Clair home. He requested law enforcement assistance. Officer Marvin was assigned to provide assistance.
40. At around 11:30 a.m., Defendants Rocha and Officer Marvin arrived at the St. Clair home, and knocked on the side door. Andy met them outside. Officer Marvin demanded entry into the home, and requested that the family dog be locked up. Andy permitted Officer Marvin and Rocha into the yard. Andy did not consent or invite Officer Marvin or Rocha to enter the family home. Rather, Officer Marvin pushed passed Andy and entered the home without consent and over Andy's objection. Rocha followed Officer Marvin and barged into the St. Clair home by force and without consent.
41. Upon entry into the home, Officer Marvin and Rocha observed raw medical marijuana on a table in the living room. Savannah was seated on the couch. Rocha and Marvin demanded to see Savannah and Andy's medical marijuana authorization documents. Savannah and Andy both complied.
42. At this time, A.T. and T.S. were both at school. J.S.1 and J.S.2 were napping in their bedroom with the door closed, but unlocked.
43. Without consent to search the home, Rocha wandered around the home until he found the room where J.S.1 and J.S.2 were sleeping. The bedroom, including the floor, was clean, and there was no noticeable odor. Rocha did not observe any feces or other unsanitary matter in the bedroom. Andy and Savannah tended to J.S.1 and J.S.2.
44. Next, Rocha searched the pantry and refrigerator. Both were stocked with food and adequate supplies for the children. Rocha demanded

1 that Andy prove the house had running water. Andy complied.

2 Officer Marvin stayed downstairs with Savannah.

3 45. At this time, Savannah made arrangements with Peggy St. Clair to pick
4 up and care for J.S.1 and J.S.2, in the event Savannah and Andy were
5 arrested. Peggy St. Clair agreed to take care of all the children, and
6 started to make the forty (40) mile commute from Bakersfield, CA.

7 46. Defendant Rocha continued to search the home, and observed raw
8 medical marijuana in Andy and Savannah's bedroom.

9 47. Defendant Rocha took out a camera and began taking pictures. Andy
10 and Savannah again objected to Rocha's unwarranted search of their
11 home and further objected to Rocha taking pictures of their home
12 during the unwarranted search. Rocha ignored their objections, and
13 continued to take photographs of the home and family.

14 48. Savannah continuously objected that Rocha and Marvin were
15 searching the home without permission or consent. Savannah asked
16 how Officer Marvin was permitted to search Plaintiffs' home without
17 their permission or consent. Officer Marvin lied to the Plaintiffs, and
18 claimed that their permission was not required because children were
19 present. Officer Marvin and Rocha continued to search Plaintiffs'
20 home.

21 49. Officer Marvin contacted Officer Wilson and explained the situation.
22 Officer Wilson advised that he would head over to Plaintiffs' home.

23 50. At around 12:30 pm, Savannah informed Officer Marvin that she had
24 to pick up A.T. and T.S. from school. Officer Marvin prohibited
25 Savannah from picking up her children. Instead, he commanded
26 Savannah to remain in the home and to find someone else to do it.
27 Savannah made arrangements for her father, John Tarver, to pick up
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1 and care for A.T. and T.S. John Tarver also agreed to care for A.T.
2 and T.S. in case Plaintiffs were arrested. Savannah informed Officer
3 Marvin that her father had agreed to and was able to care for A.T. and
4 T.S.

5 51. Plaintiffs explained to Officer Marvin and Rocha that A.T., T.S.,
6 J.S.1, and J.S.2 were not permitted to be in any room containing
7 medical marijuana without supervision and demonstrated that all
8 marijuana was locked away and non-accessible to the children.

9 52. Officer Wilson arrived at Plaintiffs' house. Peggy St. Clair also
10 arrived about the same time.

11 53. Peggy St. Clair informed Rocha, Officer Marvin, and Officer Wilson
12 that she was ready, willing, and able to care for J.S.a and J.S.2 as
13 Savannah had requested and arranged.

14 54. Officers Marvin and Wilson demanded access to Andy's locked
15 workshop. Andy unlocked the workshop. Officers Marvin and Wilson
16 saw Andy's medical marijuana plants.

17 55. Sometime after 3:00 pm, Kern County Code Enforcement Officer Al
18 Rojas arrived at the St. Clair home. Officer Rojas examined Andy's
19 medical marijuana plants. He alleged that Andy was growing too
20 many medical marijuana plants, and was in violation of a County
21 ordinance.

22 56. The medical marijuana plants, located in Andy's locked workshop,
23 were surrendered, and removed. Officers Marvin and Wilson further
24 removed all marijuana that was located inside the home. As such,
25 even if the plants had posed some sort of speculative danger to the
26 children, once the plants were removed, any such danger was
27 ameliorated.
28

- 1 57. Officer Rojas deemed the medical marijuana plants, growing outside
2 in the locked double fenced enclosure, permissible, and allowed these
3 plants to remain untouched.
- 4 58. Officer Marvin observed and confirmed that both J.S.1 and J.S.2 had
5 suffered no physical injuries, and did not require any medical
6 assistance.
- 7 59. Rocha, Officer Marvin, Officer Wilson, and DOES 1 through 20,
8 conferred and discussed A.T., T.S., J.S.1, and J.S.2's proposed
9 seizure and removal from their parents' custody. All agreed to seize
10 A.T., T.S., J.S.1, and J.S.2 without judicial authorization and without
11 first obtaining the consent of either parent. Rocha, Officer Marvin,
12 Officer Wilson, and DOES 1 through 20, assisted each other in the
13 unwarranted seizure and/or were integral participants in that
14 unwarranted seizure.
- 15 60. Rocha discussed A.T., T.S., J.S.1, and J.S.2's proposed seizure and
16 removal from their parents' custody with his supervisor, Defendant
17 Greenwood and/or DOES 1 through 20. After hearing all relevant
18 information, Greenwood and/or DOES 1 through 20 agreed and
19 affirmed the decision to seize A.T., T.S., J.S.1, and J.S.2 without a
20 court order or judicial authorization even though none of the children
21 were in immediate danger and their parents had made arrangements
22 for their care in the event Andy and/or Savanah were arrested.
- 23 61. At this time, A.T., T.S., J.S.1, and J.S.2 were not in immediate danger
24 of suffering serious bodily injury.
- 25 62. Officer Marvin also signed the "Transfer of Custody" form for A.T.,
26 T.S., J.S.1, and J.S.2
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1 63. Officer Marvin commanded Andy and Savannah to sit down. At this
2 time, Officer Marvin stated that A.T., T.S., J.S.1, and J.S.2 were being
3 seized and removed from Andy and Savannah's custody. They were
4 shocked and could say nothing. Andy cried. The lack of a verbal
5 response upset Rocha, and he became aggressive. Rocha demanded
6 that Savannah call her father John Tarver immediately, and advise him
7 that A.T. and T.S. were also being seized and removed. Should
8 Savannah refuse, Rocha threatened that he and law enforcement would
9 tear John Tarver's house to pieces. At this moment, Rocha stood
10 shoulder to shoulder with Officer Marvin, who was armed. Marvin
11 did not intercede or intervene in the situation to stop Rocha's
12 aggressive behaviors or to otherwise reign him in. Rather, Marvin
13 participated in the event by standing by in a menacing and supportive
14 manner. Savannah felt intimidated and that she had no other options.
15 She did as she was told, and called her father.

16 64. Defendant Miranda arrived at the St. Clair home about this time.

17 65. Andy and Savannah again reiterated their desire for Peggy St. Clair to
18 care for J.S.1 and J.S.2. and explained to Rocha that arrangements
19 had been made with Peggy St. Clair to care for the children. However,
20 Rocha ignored Andy and Savannah's arrangements and seized both
21 J.S.1 and J.S.2, had them strapped into the DHS van, and driven off.

22 66. At around 4:00 pm, Defendant Miranda took J.S.1 and J.S.2 and
23 transported them to Kern Medical Center and had them both
24 medically examined, without a warrant or other similar court order
25 authorizing the medical examination even though the children
26 appeared to be in good health and not experiencing any form of
27 medical emergency.
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- 1 68. Sometime after 4:00 pm, Rocha arrived at John Traver's house.
2 Rocha observed and confirmed that A.T. and T.S. were healthy, had
3 no visible injuries, displayed no signs of abuse, and were
4 appropriately dressed for the weather.
- 5 69. John Traver confirmed that Savanah arranged with him for the
6 continued care of A.T. and T.S. and advised that he was ready,
7 willing, and able to care for A.T. and T.S. Rocha rejected the
8 arrangement. Rocha did not inquire or express any concern regarding
9 John Tarver's ability to care for A.T. and T.S.
- 10 70. Rocha reiterated that the decision to seize A.T. and T.S. had already
11 been made. In accordance with this prior decision, Rocha seized A.T.
12 and T.S. without judicial authorization and/or consent and in the
13 marked absence of any form of emergency. Rocha transported A.T.
14 and T.S. to Kern Medical Center where both children were medically
15 examined without their parents' knowledge and/or consent and
16 without a court order authorizing the examination even though they
17 appeared to be in good health and were experiencing no form of
18 medical emergency.
- 19 71. At around 6:00 pm, Officers Marvin informed Andy and Savanah, for
20 the first time ever, that they were being placed under arrest.

21 **Unwarranted and Non-Consensual Medical Examination**

- 22 72. All four of the children were medically examined, without parental
23 consent, in the absence of any form of emergency, and without court
24 authorization or any other form of lawful authority. As expected, the
25 examinations revealed that all children were healthy and there was no
26 evidence of physical harm or exposure to medical marijuana.

- 1 73. Defendant Miranda transported J.S.1 and J.S.2 to Kern Medical
2 Center for a forensic investigatory medical examination. Likewise,
3 Rocha transported A.T. and T.S. to Kern Medical Center for a
4 forensic investigatory medical examination. Neither parent consented
5 to such an examination, and no court order or warrant was obtained to
6 authorize such an examination.
- 7 74. At Kern Medical Center, Doctor DOES 21-30, performed forensic
8 investigatory medical and physical examinations on A.T., T.S., J.S.1,
9 and J.S.2 These were performed without notice and/or parental
10 knowledge or consent, without a court order, and in the absence of
11 exigent circumstances. At this time, A.T., T.S., J.S.1, and J.S.2 did
12 not require any form of immediate medical assistance.
- 13 75. These examinations were not undertaken in an effort to treat or heal
14 A.T., T.S., J.S.1, and J.S.2 Instead, KMC performs these
15 examinations in willful collaboration with and for Kern County DHS.
16 KMC jointly and actively participates in all DHS investigations
17 regarding child abuse.
- 18 76. Defendants Rocha, Miranda, KMC, or Doctor DOES 21-30 undertook
19 no effort to obtain parental consent or a court order authorizing these
20 forensic medical examinations. Instead, it was Kern County and
21 KMC's custom and standard operating procedure to perform these
22 forensic investigatory medical examinations without a court order or
23 parental consent.
- 24 77. Andy and Savanah were completely excluded from A.T., T.S., J.S.1,
25 and J.S.2's forensic investigatory medical examinations, and were not
26 allowed to be in close proximity.
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1 78. These forensic examinations found no visible injuries or other indicia
2 of abuse.

3 **Unwarranted Interrogation of The Child A.T.**

4 79. On September 25, 2013, Defendant Lopez interviewed, interrogated,
5 and/or questioned A.T. for around one (1) hour. This interview was
6 conducted without parental consent and without judicial
7 authorization.

8 80. A.T., age 10, advised that she was not the victim of any type of abuse,
9 had never suffered any physical abuse, and was never exposed to any
10 marijuana or other drug.

11 **Deception in the Presentation of Evidence**

12 81. After the minor Plaintiffs' unwarranted seizure and unwarranted
13 medical examinations and interrogations, Rocha drafted certain
14 reports, and other documents, pertaining to his investigation and
15 interaction with the other Defendants and the Plaintiffs. Rocha
16 included false statements, and/or suppressed known exculpatory
17 evidence, in these reports. Rocha knew that these reports, and other
18 documents, would be reviewed, examined, and/or relied upon by
19 subsequent Kern County social workers and by the juvenile court in
20 making its custody and detention decisions.

21 82. On September 26, 2013, Defendant Lopez drafted the Juvenile
22 Dependency Petition ("Petition") for A.T., T.S., J.S.1, and J.S.2 The
23 "Petition" is an official document prepared by DHS and filed with the
24 Superior Court to initiate formal juvenile dependency proceedings.
25 By law, the Petition is required to be verified under penalty of perjury
26 and must not contain false and/or untrue statements.

- 1 83. Defendant Lopez did not conduct a reasonable investigation to
2 determine the truth and veracity of the factual statements she set out
3 in the Petition, and Lopez was not present at Plaintiffs' home on
4 September 24, 2013.
- 5 84. On September 26, 2013, Defendant Lopez signed the Petition under
6 penalty of perjury, and attested to the veracity of all information
7 contained therein. After signing the petition "under penalty of
8 perjury," Lopez filed it with the juvenile court. Kern County Counsel
9 Teresea A. Goldner read and endorsed the petition. Defendant DOE 2
10 reviewed and approved the Petition.
- 11 85. The Petition included known material false statements. By way of
12 example, the Petition stated that (1) J.S.1 and J.S.2 were found locked
13 in their bedroom, (2) J.S.1 and J.S.2 bedroom smelled of feces, and
14 (3) feces was located on the floor. The Petition also falsely stated that
15 Savanah is incarcerated and cannot arrange for A.T., T.S., J.S.1, and
16 J.S.2's care. In fact, before Savanah and Andy were arrested, they had
17 already made arrangements for the continued care and custody of
18 their children in the event they were arrested.
- 19 86. Lopez further omitted exculpatory evidence from the Petition. By way
20 of example, Lopez failed to disclose that A.T., T.S., J.S.1, and J.S.2
21 were never exposed to medical marijuana or smoke, or that the
22 alleged numerous marijuana plants were fenced and/or locked away
23 and inaccessible to the children.
- 24 87. On September 26, 2013, Defendant Lopez drafted the Detention
25 Report for A.T., T.S., J.S.1, and J.S.2 A "Detention Report" is an
26 official document that is filed with the juvenile dependency court in
27 advance of the Detention Hearing. The Detention Hearing is generally
28

1 the first hearing that takes place in a juvenile dependency action. A
2 Detention Report is the primary evidentiary document the juvenile
3 court will rely on in making its *prima facie* findings regarding the
4 propriety of the detention of a child from its parents and/or family
5 home. The matter set out in the Detention Report is required to be
6 honest, accurate, and complete in all material respects.

7 88. On September 26, 2013, Defendant Lopez signed the Detention
8 Report and caused it to be filed with the juvenile court intending that
9 the juvenile court admit it into evidence and rely upon it in making its
10 custody decisions. Without personal knowledge of the facts or
11 investigation, Defendant DOE 2 reviewed and signed the Detention
12 Report. DOE 2 had no personal knowledge as to the veracity, or lack
13 thereof, of the statements set out in the Detention Report. Lopez and
14 DOE 2 did not conduct a reasonable investigation to determine the
15 truth and veracity of the factual statements set out in the Detention
16 Report.

17 89. The Detention Report included false statements and omitted known
18 exculpatory evidence.

19 90. The Detention Hearing was held on September 27, 2013. At this time,
20 Savannah was out of custody. She attended the hearing.

21 91. At the Detention Hearing, the Petition was considered, and the
22 Detention Report was accepted into evidence. The juvenile court
23 considered and relied upon the false, inaccurate, and incomplete
24 statements contained in the Petition and Detention report. Based on
25 the false and materially incomplete information before it, the juvenile
26 court ordered that A.T., T.S., J.S.1, and J.S.2 would continue to be
27 detained from their parents' custody and care.
28

- 1 92. A.T. was placed in the Jamison Center, and was removed from her
2 school. T.S., J.S.1, and J.S.2 were placed in Emergency Foster Care.
- 3 93. Lopez refused to allow the children to see, speak, or visit their parents
4 or family until October 5, 2013.
- 5 94. On October 7, 2013, J.S.2 was injured while in DHS approved
6 Emergency Foster Care Provider Cynthia McKinley's custody. J.S.2
7 received three stitches on his face. Following this incident, A.T., T.S.,
8 J.S.1, and J.S.2 were immediately moved to Peggy St. Clair's house.
- 9 95. Even though the juvenile court placed no restriction on the children's
10 ability to talk to their parents on the phone, Lopez refused to permit
11 the children to speak with their parents while they were with Peggy
12 St. Clair. If they disobeyed, Lopez threatened to send A.T., T.S.,
13 J.S.1, and J.S.2 back to foster care, where she implied they might get
14 hurt again. Lopez had an evil grin and cackled when conveying this
15 threat Andy and Savanah.
- 16 96. Around the end of October, A.T. was moved to Vincent Burroughs
17 home.
- 18 97. On October 25, 2013, Lopez filed the Jurisdiction Report. She signed
19 this report under penalty of perjury.
- 20 98. At this time, Defendant DOE 3 was Lopez's acting supervisor and co-
21 signed the report under penalty of perjury. DOE 3 did not investigate
22 the matters set forth in the report in any way. DOE 3 had no personal
23 knowledge as to the veracity, or lack thereof, of the statements set out
24 in the Jurisdiction Report. In signing the Jurisdiction Report, DOE 3
25 did not alert the juvenile court that the statements contained in the
26 report were not based on DOE 3's independent or personal
27 investigation.
- 28

- 1 99. Lopez and DOE 3 failed to conduct a reasonable investigation to
2 determine the truth and veracity of the factual statements set out in
3 the Jurisdiction Report.
- 4 100. The Jurisdiction Report included false statements, omitted known
5 exculpatory evidence, and reiterated many of the same false
6 statements set out in the Detention Report and Petition.
- 7 101. The Jurisdiction Hearing was scheduled for November 4, 2013, but
8 was continued at a contested hearing and rescheduled for December
9 10, 2013.
- 10 102. By the end of November, Andy and Savanah had completed parenting
11 classes and were enrolled in additional classes. Their house and
12 property was also cleaned up. Lopez refused to inspect and evaluate
13 their home and instead continued to detain the minor plaintiffs from
14 their family home even though she knew there was no basis to
15 continue to do so.
- 16 103. On December 10, 2013, Lopez filed the Disposition Report. She
17 signed the report under penalty of perjury.
- 18 104. At this time, Defendant DOE 4 was Lopez's acting supervisor and co-
19 signed the report under penalty of perjury. DOE 4 did not investigate
20 the matters set forth in the report in any way. DOE 4 had no personal
21 knowledge as to the veracity, or lack thereof, of the statements set out
22 in the Disposition Report. In signing the Jurisdiction Report, DOE 4
23 did not alert the juvenile court that the statements contained in the
24 report were not based on DOE 4's independent or personal
25 investigation.
- 26 105. The Disposition Report included false statements, omitted known
27 exculpatory evidence, and reiterated many of the same false
28

1 statements set out in the Detention Report, Petition, and Jurisdiction
2 Report. The Disposition Report also included new false material. By
3 way of example, Lopez stated that Andy and Savanah were making
4 no progress toward reunification. Defendant Lopez also falsely stated
5 that the court had assumed jurisdiction of the four minors on
6 November 4, 2013. This was blatantly false.

7 106. On December 10, 2013, the juvenile court strongly encouraged DHS
8 to visit and inspect the parents' home.²

9 107. The jurisdictional matter was held and argued over several hearings.
10 Over the course of these hearings, T.S., J.S.1, and J.S.2 were returned
11 to their parents' custody.

12 108. Ultimately, in January 2014, the juvenile court found no basis for
13 jurisdiction, and dismissed A.T., T.S., J.S.1, and J.S.2's Petitions.

14 109. A.T., T.S., J.S.1, and J.S.2 were returned to their parents' custody.

15 110. Plaintiffs have not obtained the Juvenile Case Files for A.T., T.S.,
16 J.S.1, and J.S.2. Plaintiffs will file Cal. Welf. & Inst. Code, §827
17 requests for disclosure of the Juvenile Case Files shortly. Therefore,
18 the foregoing recitation of misrepresentations and suppressions are
19 exemplary in nature, and alleged with reservation of the right to
20 introduce additional evidence of misrepresentation and suppression at
21 time of trial, based on new interpretation or information uncovered
22 during the Cal. Welf. & Inst. Code, §827 proceedings and/or
23 discovery process. Additionally, Plaintiffs shall reserve the right to
24 seek leave of court to amend this pleading, should additional facts,
25 including the identity of other culpable persons, be later discovered.

26
27 ² The Juvenile Court did not order this action, because it had not taken
28 jurisdiction, and was unsure whether it had the power to issue an inspection order.

FIRST CLAIM FOR RELIEF – §1983

***The Unwarranted Seizure of A.T., T.S., J.S.1, and J.S.2 in Violation of
Plaintiffs’ Fourt Amendment Right to Familial Association***

(By all Plaintiffs Against Defendants Officer Marvin, Officer Wilson, Rocha,
Greenwood, Miranda, and Defendant DOES 1 through 20, inclusive.)

111. The minor Plaintiffs reallege, and to the extent applicable, incorporate
herein as if set forth in full, paragraphs 1 through 110.

112. At all times relevant herein, the right to familial association
guaranteed under the First and Fourth Amendments to the United
States Constitution was clearly established, such that any reasonable
social services agent and/or police officer would know that it is
unlawful to seize a child from the care, custody, and control of his or
her parent(s) or to question, threaten, examine, or search a child in the
absence of exigent circumstances without first obtaining a warrant to
do so.

113. Defendants Officer Marvin, Officer Wilson, Rocha, Greenwood,
Miranda, and Defendant DOES 1 through 20, inclusive, were acting
under color of state law when they jointly acted, agreed, and/or
conspired to violate Plaintiffs’ constitutional rights by, but not limited
to, entering Plaintiffs’ home and seizing, removing, detaining, and
continuing to detain the minor Plaintiffs A.T., T.S., J.S.1, and J.S.2
from their parents’ care, custody, and/or control.

114. Defendants Officer Marvin, Officer Wilson, Rocha, Greenwood,
Miranda, and Defendant DOES 1 through 20, inclusive, entered
Plaintiffs’ home and seized, removed, and/or detained A.T., T.S.,
J.S.1, and J.S.2 from their parents’ care, custody, and/or control –
without judicial authorization, parental consent, a court order, and/or

1 exigent circumstances. At that time of seizure, A.T., T.S., J.S.1, and
2 J.S.2 were each in good health, did not need any medical care, and
3 had no signs of visible injuries, marks or bruises. Officer Marvin also
4 specifically verified that J.S.1 and J.S.2 did not have any physical
5 injuries and did not require any medical assistance.

6 115. Prior to A.T., T.S., J.S.1, and J.S.2's unwarranted seizure, Defendants
7 Officer Marvin, Officer Wilson, Rocha, Greenwood, and Defendant
8 DOES 1 through 20, inclusive, and each of them, discussed the
9 proposed warrantless seizure. They all agreed and/or approved of the
10 decision to forgo obtaining judicial authorization prior to seizing
11 A.T., T.S., J.S.1, and J.S.2 from their parents' care, custody, and/or
12 control.

13 116. Defendants Officer Marvin, Officer Wilson, Rocha, Greenwood,
14 Miranda, and Defendant DOES 1 through 20, inclusive, and each of
15 them together, were joint and/or integral participants in A.T., T.S.,
16 J.S.1, and J.S.2's seizure from their parents' care, custody, and/or
17 control. These Defendants failed to intervene and stop A.T., T.S.,
18 J.S.1, and J.S.2's seizure.

19 117. Prior to the seizure, Defendants Officer Marvin, Officer Wilson,
20 Rocha, Greenwood, Miranda, and Defendant DOES 1 through 20,
21 inclusive, failed to interview all witnesses and never spoke with A.T.
22 or T.S.

23 118. As a direct and proximate consequence of this violation, Plaintiffs
24 have suffered, and will continue to suffer, damages, including but not
25 limited to, physical and/or mental anxiety and anguish according to
26 proof at trial.

119. Defendants Officer Marvin, Officer Wilson, Rocha, Greenwood, Miranda, and Defendant DOES 1 through 20, inclusive, acted intentionally and/or with a conscious disregard for Plaintiffs' constitutional rights. As a result of this conduct, Plaintiffs are entitled to recover punitive damages against these individual defendants.

SECOND CLAIM FOR RELIEF – §1983

Violation of Plaintiffs' Fourteenth Amendment Due Process Right to Be Free From Deception in the Presentation of Evidence to the Juvenile Court

(By all Plaintiffs Against Defendants Rocha, Lopez,
DOES 1 through 20, inclusive.)

120. Plaintiffs reallege and restate each of the foregoing allegations as if set forth herein in full.

121. At all times relevant herein, there existed a clearly established due process right of individuals not to be subjected to false accusations by government officials, including the deliberate presentation of false or perjured evidence, and/or by the suppression of exculpatory information in court proceedings or in documents submitted with recommendations or requests made to the court. Any reasonable social services agent and/or government agent would know that it is a due process violation, under the Constitution's Fourteenth Amendment, to lie, exaggerate, fabricate evidence, and/or suppress material exculpatory evidence in court reports and other documents filed with the juvenile court, and/or relied upon by subsequent social workers.

122. Defendants Rocha, Lopez, and DOES 1-20, and each of them, had the affirmative and self evident duty to be truthful, accurate, and complete in petitions, reports, and documents submitted to the

1 juvenile court – a court with power to adjudicate substantial rights,
2 including legal and custodial rights of children and parents. Similarly,
3 defendants had an equal duty to refrain from using improper and
4 deceptive means to obtain judicial orders sustaining recommendations
5 disparaging and/or otherwise impairing or impinging upon Plaintiffs’
6 due process rights.

7 123. Defendants Rocha, Lopez, and DOES 1-20, and each of them, either
8 singularly or jointly acted, and/or conspired, to deliberately or
9 recklessly present false statements and/or omit known exculpatory
10 omissions material in the Juvenile Dependency Petition and/or reports
11 filed in the Juvenile Court. This deceptive conduct caused A.T., T.S.,
12 J.S.1, and J.S.2’s continued and prolonged detention of Plaintiffs
13 from the care, custody, and/or control of their parents.

14 125. Defendants Rocha, Lopez, and DOES 1-20 were acting under color of
15 state law when they jointly acted, agreed, and/or conspired to violate
16 Plaintiffs’ constitutional rights by, but not limited to, engaging in
17 deception in the presentation of evidence to the juvenile court.

18 126. As a direct and proximate consequence of this violation, Plaintiffs
19 have suffered, and will continue to suffer, damages, including but not
20 limited to, physical and/or mental anxiety and anguish according to
21 proof at trial.

22 127. Defendants Rocha, Lopez, and DOES 1-20 acted intentionally and/or
23 with a conscious disregard for Plaintiffs’ constitutional rights. As a
24 result of this conduct, Plaintiffs are entitled to recover punitive
25 damages against these individual defendants.

26 ///

THIRD CLAIM FOR RELIEF – §1983

Unwarranted, Non-Consensual Forensic Medical Examinations of A.T., T.S., J.S.1, and J.S.2 in Violation of Plaintiffs’ Constitutional Rights

(By Plaintiffs Against Defendants Kern County and Kern Medical Center Doctor DOES 21-30, inclusive.)

128. Plaintiffs reallege and restate each of the foregoing allegations as if set forth herein in full.

129. The right to family association includes the right of children to have their parents make important medical decisions for them, rather than the state. *Wallis v. Spencer*, 202 F.3d 1126, 1141 (9th Cir. 2000). Absent parental consent, court order, or exigent circumstances medical examinations may not be undertaken for investigative purposes at the behest of state officials. *Ibid*. Children also have a constitutional right to have their parents with them or reasonably nearby while they are receiving medical attention or to be in close proximity while all or a part of the medical procedure is being conducted. *Id.* at 1142. The right of a child to not be subjected to medical and physical examinations in the absence of a warrant, parental consent, or emergency was so clearly established that Defendant Doctor DOES 21-30, would know it violated Plaintiffs’ constitutional rights.

130. On September 24, 2013, Doctor DOES 21-30, performed forensic medical and physical examinations on A.T., T.S., J.S.1, and J.S.2. These forensic investigatory examinations were performed without parental notice and/or knowledge, without parental consent, without court order, and in the absence of exigent circumstances. Plaintiffs’

1 parents were completely excluded from attending these medical
2 examinations and/or being in close proximity.

3 131. As a direct and proximate result of Defendants' conduct, Plaintiffs'
4 rights arising under the Fourth and Fourteenth Amendments to the
5 United States Constitution were violated; and, Plaintiffs have suffered
6 damages thereby, as according to proof at trial.

7 132. Defendant Doctor DOES 21-30 conduct as herein alleged were
8 intentional and/or with a conscious disregard for Plaintiffs' rights. As
9 a result of their conduct, Plaintiffs are entitled to recover punitive
10 damages.

11 **FOURTH CLAIM FOR RELIEF – MONELL RELATED CLAIMS FOR**
12 **UNWARRANTED SEIZURES AND EXAMINATIONS BY KERN COUNTY**
13 **SOCIAL WORKERS**

14 (By Plaintiffs Against Defendant County of Kern and DHS)

15 133. Plaintiffs reallege and restate each of the foregoing allegations as if
16 set forth herein in full.

17 134. Kern County and DHS had a duty to implement and follow policies,
18 procedures, customs and/or practices (hereinafter referred to as
19 "customs") which confirm and provide the protections guaranteed
20 under the United States Constitution. Kern County and DHS further
21 had a duty to use reasonable care to train, supervise, and/or control its
22 agents, so as to protect these constitutional rights.

23 135. Based on the duties charged to its social workers, including the
24 powers to seize a child from his or her parents' custody, Kern County
25 knew or should have known of the need to establish the customs,
26 policies, and/or procedures required to protect the civil rights of
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1 parents and children with whom their agents regularly came into
2 contact, and of the need to adequately train its social workers.

3 136. At the time of the underlying events, the County's customs relating to
4 the removal of a child from its parent's custody and/or the seeking
5 unwarranted and non-consensual examinations of the removed child
6 included, but were not limited to:

- 7 a. The custom of removing children from their parent's custody
8 without consent, court order, and/or exigent circumstances (i.e.,
9 imminent danger of serious bodily injury).
- 10 b. The custom of removing children from their parent's custody
11 without first performing a reasonable investigation.
- 12 c. The custom of seizing children from their parent's custody
13 without consent, court order, and/or exigency, based on a hope
14 that further investigation could turn up facts suggesting the
15 seizure was justified.
- 16 d. The custom to not intercede in and/or prevent the removal of a
17 child from his or her parent's custody without consent, court
18 order, and/or exigency.
- 19 e. The custom of interrogating and/or examining a child outside
20 the presence of its parent(s) – without judicial authorization or
21 parental consent – when there is no specific, reasonable, and
22 articulable evidence that the child is in immediate risk of
23 suffering serious bodily injury.
- 24 e. The custom to always seek forensic investigatory medical
25 examinations on children – without parental consent, court
26 order, and/or exigent circumstances.
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1 137. When Rocha, Greenwood, Miranda, and DOES 5-20, agreed to seize,
2 participated in the seizure, and/or seized A.T., T.S., J.S.1, and J.S.2
3 from their parents' custody, they were acting pursuant to and in
4 accordance with Kern County's child removal customs. Indeed, A.T.,
5 T.S., J.S.1, and J.S.2's seizure received DHS supervisor approval.
6 When Rocha, Miranda, and DOES 5-20, sought the forensic
7 investigatory medical examinations on A.T., T.S., J.S.1, and J.S.2,
8 without parental consent, court order, and/or exigent circumstances,
9 they were acting pursuant to and in accordance with Kern County's
10 customs.

11 138. A.T., T.S., J.S.1, and J.S.2's unwarranted seizure and/or the failure to
12 prevent the seizure, was not an isolated incident. Instead, Kern
13 County social workers regularly seized children from their parent's
14 custody without consent, court order, and/or exigency – as is the
15 customary practice at Kern County and DHS. These unlawful seizures
16 have resulted in lawsuits and claims against multiple offending social
17 workers (for violation of constitutional rights) and Kern County (for
18 its customs being the moving force behind these violations). These
19 include, but are not limited to, the following: (1) *McCue v. South*
20 *Fork Union School District*, Case No. 1:10-CV-00233-OWW-DLB,
21 and (2) claims made by Christine Deeths.

22 139. A.T., T.S., J.S.1, and J.S.2's unwarranted and non-consensual
23 forensic investigatory medical examinations, were not an isolated
24 incident. Instead, Kern County social workers regularly seek
25 unwarranted and non-consensual forensic investigatory medical
26 examinations for children – as is the customary practice at Kern
27 County and DHS.

1 140. Kern County regularly receives and/or is aware of complaints, leveled
2 against its social workers, claiming that the social workers seized
3 children without parental consent, court order, and/or exigency. Kern
4 County never investigates or disciplines its social workers (including
5 those named as Defendants in the lawsuits and claims identified in
6 ¶141) who seize children from their parents' custody without consent,
7 court order, and/or exigency. Kern County never investigates or
8 disciplines its social workers who seek forensic investigatory medical
9 examinations for children without parental consent, court order,
10 and/or exigent circumstances. Kern County did not investigate or
11 discipline Rocha, Greenwood, Miranda, and/or DOES 5-20, for (1)
12 seizing, or participating in the seizure of, A.T., T.S., J.S.1, and J.S.2
13 without consent, court order, and/or exigency, (2) failing to stop A.T.,
14 T.S., J.S.1, and J.S.2's unwarranted removal, and (3) seeking forensic
15 investigatory medical examinations for children without parental
16 consent, court order, and/or exigent circumstances.

17 141. Kern County refuses to admit that its social workers commit a
18 constitutional violation when they (1) seize a child from his or her
19 parent's custody without consent, court order, and/or exigency, and
20 (2) seeks forensic investigatory medical examinations – and continues
21 to do so. Kern County denies that Rocha, Greenwood, Miranda, and
22 DOES 5-20, violated Plaintiffs' rights when A.T., T.S., J.S.1, and
23 J.S.2 were seized without consent, court order, and/or exigency. Kern
24 County denies that Rocha, Miranda, and DOES 5-20, violated
25 Plaintiffs' rights when A.T., T.S., J.S.1, and J.S.2 were subjected to
26 forensic investigatory medical examinations without parental consent,
27 court order, and/or exigent circumstances. Kern County ratified
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1 and/or approved of A.T., T.S., J.S.1, and J.S.2's unwarranted seizure
2 and/or the forensic investigatory medical examinations for A.T., T.S.,
3 J.S.1, and J.S.2

4 142. Kern County failed to train its social workers and agents on the
5 constitutional rights of a parent and child, including but not limited
6 to:

- 7 a. The circumstances under which a court order must be obtained
8 prior to removing a child from the custody of his or her
9 parent(s).
- 10 b. The fact that a court order or parental consent must be obtained
11 prior to removing a child from the custody of his or her
12 parent(s), when there was no exigency.
- 13 c. That a child cannot be removed without a court order or
14 parental consent, unless there is "specific, articulable evidence"
15 that a child is in immediate danger of suffering serious bodily
16 injury.
- 17 d. That a social worker cannot remove a child without a court
18 order or consent, based on the hope that further investigation
19 could turn up facts suggesting that an exigency existed.
- 20 e. That a child cannot be removed from their parent's custody
21 without first performing a reasonable investigation.
- 22 f. That a child cannot be interrogated or examined outside the
23 presence of his or her parent(s) – without judicial authorization
24 or parental consent – when there is no specific, reasonable, and
25 articulable evidence that the child is in immediate risk of
26 suffering serious bodily injury.
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- 1 g. That a child cannot be subjected to a forensic investigatory
- 2 medical examination – without parental consent, court order,
- 3 and/or exigent circumstances.
- 4 h. That a parent, being placed under arrest, is entitled to arrange
- 5 for the care of his or her child.
- 6 i. That the arrest of a parent does not permit an unwarranted
- 7 seizure – by itself.

8 143. Kern County’s failure to train its social workers and/or agents on
9 these established constitutional rights was a substantial factor in
10 causing Plaintiffs’ harm. Without adequate training, Rocha,
11 Greenwood, Miranda, and DOES 5-20 were unfamiliar with and
12 oblivious to Plaintiffs’ constitutional rights, when they seized A.T.,
13 T.S., J.S.1, and J.S.2, and subjected them to forensic investigatory
14 medical examinations – without parental consent, court order, and/or
15 exigency.

16 144. Kern County knew or should have known that a parent and child
17 cannot be separated and that a child cannot be subjected to a forensic
18 investigatory medical examination without consent, court order,
19 and/or exigency. But, the County knowingly refrained from (1)
20 revising its customs, and (2) training its social workers that a child
21 cannot be removed or subjected to a forensic investigatory medical
22 examination without consent, court order, and/or exigency. In
23 addition, Kern County refused to investigate or discipline its social
24 workers for removing A.T., T.S., J.S.1, and J.S.2, and subjecting them
25 to forensic investigatory medical examinations – without parental
26 consent, court order, and/or exigency.

1 145. These actions, and/or inactions, of Kern County were the moving
2 force behind the Plaintiffs' injuries, as alleged herein; and as a result,
3 Plaintiffs have sustained general and special damages, in an amount
4 to be proven at trial.

5 **FIFTH CLAIM FOR RELIEF – *MONELL* RELATED CLAIMS FOR**
6 **DECEPTION IN THE PRESENTATION OF EVIDENCE BY KERN**
7 **COUNTY SOCIAL WORKERS**

8 (By Plaintiffs Against Defendant County of Kern)

9 146. Plaintiffs reallege and restate each of the foregoing allegations as if
10 set forth herein in full.

11 147. Kern County and DHS had a duty to implement and follow policies,
12 procedures, customs and/or practices (hereinafter referred to as
13 “customs”) which confirm and provide the protections guaranteed
14 under the United States Constitution. Kern County and DHS further
15 had a duty to use reasonable care to train, supervise, and/or control its
16 agents, so as to protect these constitutional rights.

17 148. Based on the duties charged to its social workers, including the
18 responsibility to present evidence and recommendations to the
19 juvenile court, Kern County knew or should have known of the need
20 to establish the customs, policies, and/or procedures required to
21 protect parents due process rights, and of the need to adequately train
22 its social workers.

23 149. At the time of the underlying events, the County's customs relating to
24 documents, reports, and evidence presented to and/or filed with the
25 juvenile court, included, but were not limited to:

- a. The custom of including false, inaccurate, exaggerated, misleading, and/or untrue factual statements in the documents and/or reports filed with the juvenile court.
- b. The custom of suppressing and/or omitting known exculpatory evidence in the documents and/or reports filed with the juvenile court.
- c. The custom of including knowingly false and/or unsupported Cal. Welf. & Inst. Code, §300 allegations in juvenile dependency petitions.
- d. The custom for County Counsel to review and endorse all juvenile dependency petitions.
- e. The custom of permitting a social worker to sign a petition or other court report, under penalty of perjury, without conducting an independent investigation to determine whether the allegations and/or facts stated in the petition, document, and/or report were true.
- f. The custom of permitting a social worker to sign a petition, under penalty of perjury, without conducting an independent investigation to determine whether there was sufficient evidence to support the allegations stated therein.
- g. The custom of attesting to the veracity of factual statements without personal knowledge as to whether such statements were true or not.
- h. The custom of stating allegations in Juvenile Dependency Petitions, regardless of whether or not specific, articulable evidence exists at the time to support the allegation.

1 150. When Rocha, Lopez and/or DOES 1-20, engaged in deception in the
2 presentation of evidence to the juvenile court, they were acting
3 pursuant to and in accordance with Kern County's customs. Indeed,
4 the reports and/or other documents, filed with the juvenile court, were
5 reviewed and approved by a DHS supervisor.

6 151. Deception in the presentation of evidence to the juvenile court,
7 regarding Plaintiffs, A.T., T.S., J.S.1, and J.S.2, was not an isolated
8 incident. Instead, Kern County social workers regularly include false
9 statements, and/or suppress known exculpatory evidence, in reports
10 or other documents filed in the juvenile court. Kern County social
11 worker's deception in the presentation of evidence to the juvenile
12 court has resulted in lawsuits and claims against multiple offending
13 social workers (for violation of constitutional rights) and Kern
14 County (for its customs being the moving force behind these
15 violations). These include, but are not limited to, the following: (1)
16 *McCue v. South Fork Union School District*, Case No. 1:10-CV-
17 00233-OWW-DLB, and (2) claims made by Christine Deeths.

18 152. Kern County regularly receives and/or is aware of complaints, leveled
19 against its social workers, claiming that the social workers are
20 engaging in deception in the presentation of evidence in the juvenile
21 court. Kern County never investigates or disciplines its social workers
22 (including those named as Defendants in the lawsuits and claims
23 identified in ¶154) who engage in deception in the presentation of
24 evidence to the juvenile court. In fact, Lopez was a Defendant in
25 *McCue v. South Fork Union School District*, Case No. 1:10-CV-
26 00233-OWW-DLB, based on the claim that she engaged in deception
27 in the presentation of evidence in the juvenile court. Kern County did
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1 not investigate or discipline Lopez, and/or DOES 1-20, for making
2 false statements, and/or suppressing known exculpatory evidence, in
3 reports or other documents they filed in the juvenile court.

4 153. Kern County refuses to admit that its social workers commit a
5 constitutional violation when they make false statements, and/or
6 suppress known exculpatory evidence, in reports or other documents
7 filed in the juvenile court – and continues to do so. Kern County
8 denies that Rocha, Lopez, and/or DOES 1-20, violated Plaintiffs’
9 rights when they made false statements, and/or suppressed
10 exculpatory evidence, in reports or other documents filed in the
11 juvenile court. Kern County ratified and/or approved of Rocha,
12 Lopez, and/or DOES 1-20’s inclusion of false statements, and/or
13 suppression of known exculpatory evidence, in reports or other
14 documents filed in the juvenile court.

15 154. Kern County failed to train its social workers and agents on the
16 constitutional rights of a parent and child, including but not limited
17 to:

- 18 a. That a social worker must disclose all known exculpatory
19 evidence to the juvenile court.
- 20 b. That a social worker must be truthful, honest, and accurate
21 when reporting and/or presenting evidence to the juvenile
22 court.
- 23 c. That a social worker is precluded from lying to and/or
24 including false statements in documents or reports to the
25 juvenile court.
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- 1 d. That a social worker must disclose all known exculpatory
2 evidence in documents and/or reports that will be relied upon
3 by subsequent social workers.
4 e. That a social worker is precluded from lying to and/or
5 including false statements in documents and/or reports that will
6 be relied upon by subsequent social workers.

7 155. Kern County's failure to train its social workers and/or agents on
8 these established constitutional rights was a substantial factor in
9 causing Plaintiffs' harm. Without adequate training Rocha, Lopez,
10 and DOES 1-20 were unfamiliar with and oblivious to Plaintiffs'
11 constitutional rights, when they included false statements and/or
12 suppressed know exculpatory evidence in their reports.

13 156. Kern County knew or should have known that a parent and child
14 possess a due process right to be free from deception in the
15 presentation of evidence to the juvenile court.

16 157. These actions, and/or inactions, of Kern County were the moving
17 force behind the Plaintiffs' injuries, as alleged herein; and as a result,
18 Plaintiffs have sustained general and special damages, in an amount
19 to be proven at trial.

20 **SIXTH CLAIM FOR RELIEF – MONELL RELATED CLAIMS FOR**
21 **UNWARRANTED SEIZURES BY KERN COUNTY SHERIFF'S DEPUTIES**

22 (By Plaintiff Against Defendant County of Kern and Kern County Sheriff's
23 Department)

24 158. Plaintiffs reallege and restate each of the foregoing allegations as if
25 set forth herein in full.

26 159. Kern County and Sheriff's Department had a duty to implement and
27 follow policies, procedures, customs and/or practices (hereinafter
28

1 referred to as “customs”) which confirm and provide the protections
2 guaranteed under the United States Constitution. Kern County and
3 Sheriff’s Department further had a duty to use reasonable care to
4 train, supervise, and/or control its agents, so as to protect these
5 constitutional rights.

6 160. Based on the duties charged to its deputies, including the powers to
7 seize children from their parents’ custody, Kern County knew or
8 should have known of the need to establish the customs, policies,
9 and/or procedures required to protect the civil rights of parents and
10 children with whom their agents regularly came into contact, and of
11 the need to adequately train its deputies.

12 161. At the time of the underlying events, the County’s customs relating to
13 the removal of a child from its parent’s custody included, but were
14 not limited to:

- 15 a. The custom of removing children from his or her parent’s
16 custody without consent, court order, and/or exigent
17 circumstances (i.e., imminent danger of serious bodily injury).
- 18 b. The custom of removing children from his or her parent’s
19 custody without first performing a reasonable investigation.
- 20 c. The custom of seizing children from his or her parent’s custody
21 without consent, court order, and/or exigency, based on a hope
22 that further investigation could turn up facts suggesting the
23 seizure was justified.
- 24 d. The custom to not intercede in and/or prevent the removal of a
25 child from his or her parent’s custody without consent, court
26 order, and/or exigency.

- e. The custom of always seizing children without judicial authorization from his or her parent's custody, when that parent was being placed under arrest, regardless of whether or not that parent could and/or did arrange for care of the child.
- f. The custom of entering a citizen's home without prior court order, express consent, and/or exigent circumstances.

162. When Officer Marvin, Officer Wilson, and DOES 5-20, agreed to, and did, seize A.T., T.S., J.S.1, and J.S.2 from their parents' custody, they were acting pursuant to and in accordance with Kern County and the Sheriff's Department's child removal customs.

163. A.T., T.S., J.S.1, and J.S.2's unwarranted seizure and/or the failure to prevent the seizure, was not an isolated incident. Instead, Kern County Sheriff Deputies regularly seized children from their parent's custody without consent, court order, and/or exigency – as is the customary practice at Kern County and the Sheriff's Department. These unlawful seizures have resulted in lawsuits against multiple offending Sheriff's Deputies (for violation of constitutional rights) and Kern County (for its customs being the moving force behind these violations). This includes, but is not limited to, the following: *McCue v. South Fork Union School District*, Case No. 1:10-CV-00233-OWW-DLB.

164. Kern County regularly receives and/or is aware of complaints, leveled against its sheriff's deputies, claiming that the deputies seized children without parental consent, court order, and/or exigency. Kern County never investigates or disciplines its deputies (including those named as Defendants in the lawsuits and claims identified in ¶166) who seize children from their parents' custody without consent, court

1 order, and/or exigency. Kern County did not investigate or discipline
2 Officer Marvin, Officer Wilson, and/or DOES 5-20, for seizing, or
3 participating in the seizure of, A.T., T.S., J.S.1, and J.S.2 without
4 consent, court order, and/or exigency. Kern County did not
5 investigate or discipline Officer Marvin, Officer Wilson, and DOES
6 5-20, for failing to stop A.T., T.S., J.S.1, and J.S.2's unwarranted
7 removal.

8 165. Kern County refuses to admit that its Deputies commit a
9 constitutional violation when they seize a child from his or her
10 parent's custody without consent, court order, and/or exigency – and
11 continues to do so. The County denies that Officer Marvin, Officer
12 Wilson, and DOES 5-20, violated Plaintiffs' rights when A.T., T.S.,
13 J.S.1, and J.S.2 were seized without consent, court order, and/or
14 exigency. Kern County ratified and/or approved of A.T., T.S., J.S.1,
15 and J.S.2's unwarranted seizure.

16 166. Kern County failed to train its sheriff's deputies and agents on the
17 constitutional rights of a parent and child, including but not limited
18 to:

- 19 a. The circumstances under which a court order must be obtained
20 prior to removing a child from the custody of his or her
21 parent(s).
- 22 b. The fact that a court order or parental consent must be obtained
23 prior to removing a child from the custody of his or her
24 parent(s), when there was no exigency.
- 25 c. That a child cannot be removed without a court order or
26 parental consent, unless there is "specific, articulable evidence"
- 27
28

1 that a child is in immediate danger of suffering serious bodily
2 injury.

3 d. That a sheriff deputy cannot remove a child without a court
4 order or consent, based on the hope that further investigation
5 could turn up facts suggesting that an exigency existed.

6 e. That a child cannot be removed from their parent's custody
7 without first performing a reasonable investigation.

8 f. That a parent, being placed under arrest, is entitled to arrange
9 for the care of his or her child.

10 g. That the arrest of a parent does not permit an unwarranted
11 seizure – by itself.

12 167. Kern County's failure to train its sheriff deputies and/or agents on
13 these established constitutional rights was a substantial factor in
14 causing Plaintiffs' harm. Without adequate training, Officer Marvin,
15 Officer Wilson, and DOES 5-20 were unfamiliar with and oblivious
16 to Plaintiffs' constitutional rights, when they seized A.T., T.S., J.S.1,
17 and J.S.2 – without consent, court order, and/or exigency.

18 168. Kern County knew or should have known that a parent and child
19 cannot be separated without consent, court order, and/or exigency.
20 But, the County knowingly refrained from (1) revising its child
21 removal customs, and (2) training its deputies that a child cannot be
22 removed without consent, court order, and/or exigency. In addition,
23 Kern County refused to investigate or discipline its sheriff deputies
24 for removing a child without consent, court order, and/or exigency.

25 169. These actions, and/or inactions, of Kern County were the moving
26 force behind the Plaintiffs' injuries, as alleged herein; and as a result,
27
28

1 Plaintiffs have sustained general and special damages, in an amount
2 to be proven at trial.

3 **SEVENTH CLAIM FOR RELIEF – MONELL RELATED CLAIMS FOR**
4 **UNWARRANTED MEDICAL EXAMINATIONS**

5 (By Plaintiffs Against Defendant Kern County and Kern Medical Center)

6 170. Plaintiff realleges, and to the extent applicable, incorporates herein as
7 if set forth in full, Paragraphs 1 through 172.

8 171. The right to family association includes the right of parents to make
9 important medical decisions for their children, and the rights of
10 children to have their parents make medical decision for them, rather
11 than the state. *Wallis v. Spencer*, 202 F.3d 1126, 1141 (9th Cir. 2000).
12 Absent parental consent, court order, or exigent circumstances
13 medical examinations may not be undertaken for investigative
14 purposes at the behest of state officials. *Ibid*. Parents also have a
15 constitutional right to be with their children while they are receiving
16 medical attention or to be in close proximity while all or a part of the
17 medical procedure is being conducted. *Id.* at 1142.

18 172. These constitutional protections and mandates apply equally to
19 government and to those private parties who are willful or voluntary
20 participants with the government in conducting unwarranted forensic
21 medical examinations. *See Dennis v. Sparks*, 449 U.S. 24, 27 (1980).

22 173. Kern County and Kern Medical Center had a duty to and obligation to
23 recognize, acknowledge, and respect the constitutional rights of
24 Plaintiffs, and to conduct themselves in a manner that confirms,
25 provides for the preservation of, and does not violate these rights.
26 Kern Medical Center had a duty to implement and follow policies,
27 procedures, customs and/or practices (hereinafter referred to as
28

1 “customs”) which confirm and provide the protections guaranteed
2 under the United States Constitution. Kern County and Kern Medical
3 Center further had a duty to use reasonable care to train, supervise,
4 and/or control its agents, so as to protect these constitutional rights.

5 174. At the time of the underlying events, Kern County and Kern Medical
6 Center’s regularly established customs and practices, that were
7 followed, adhered to, complied with, and carried out by its
8 employees, agents, and/or contractors, included, but were not limited
9 to:

- 10 a. The custom and practice of performing forensic investigatory
11 medical examinations on children without parental consent,
12 court order, and/or in the absence of exigent circumstances.
- 13 b. The custom and practice of excluding parents from their child’s
14 forensic investigatory medical examinations, and not
15 permitting parents to be in close proximity.
- 16 c. The custom and practice of never conducting an independent
17 investigation and/or inquiry to determine whether or not there
18 is a basis for performing an unwarranted and non-consensual
19 forensic investigatory medical examination.
- 20 d. The unwritten policy of acting with deliberate indifference to
21 the rights of children and parents with whom Defendants
22 agents can regularly be expected to come into contact by failing
23 and/or refusing to implement a practice of regular and adequate
24 training and/or supervision, and/or by failing to train and/or
25 supervise their respective officers, agents, and/or employees, in
26 providing and ensuring compliance with the constitutional
27 protections guaranteed to individuals, including those under the
28

1 First and Fourteenth Amendments, when performing actions
2 related to child abuse investigations.

3 175. When Kern County and Kern Medical Center's employees, doctors,
4 agents, and/or Doctor DOES 21-30 performed the forensic
5 investigatory medical examinations on A.T., T.S., J.S.1, and J.S.2
6 they acted pursuant to, and in accordance with Kern County and Kern
7 Medical Center's customs. Kern County and Kern Medical Center's
8 employees, doctors, agents, and/or Doctor DOES 21-30 voluntarily
9 collaborated with DHS, and willfully participated in conducting
10 forensic medical examinations at KMC.

11 176. Kern County and Kern Medical Center never investigates or
12 disciplines its employees, doctors, and/or agents who perform
13 forensic investigatory medical examinations on children – without
14 consent, court order, exigency, and/or inquire to determine whether
15 there was a basis to perform the examinations. Kern County and Kern
16 Medical Center did not investigate or discipline employees, doctors,
17 agents, and/or DOES 21-30, for performing forensic investigatory
18 medical examinations on children – without consent, court order,
19 exigency, and/or inquire to determine whether there was a basis to
20 perform the examinations.

21 177. Kern County and Kern Medical Center failed to train its employees,
22 doctors, and/or agents on the constitutional rights of a parent and
23 child, including but not limited to:
24 a. The circumstances under which forensic investigatory medical
25 examinations can be performed without parent consent and/or
26 court order.

- b. The fact that a court order or parental consent must be obtained prior to performing a forensic investigatory medical examination on a child, when there was no exigency.
- c. The fact that parents enjoy the right to be present for and/or in close proximity to the forensic investigatory medical examination of their child.
- d. The requirement to independently investigate and/or inquire as to whether or not there is a basis for performing an unwarranted and non-consensual forensic investigatory medical examination.

177. Kern County and Kern Medical Center's failure to train its employees, doctors, and/or agents on these established constitutional rights was a substantial factor in causing Plaintiffs' harm. Without adequate training, Kern County and Kern Medical Center's employees, doctors, agents, and/or Doctor DOES 21-30 were unfamiliar with and oblivious to Plaintiffs' constitutional rights, when they performed forensic investigatory medical examinations on A.T., T.S., J.S.1, and J.S.2 – without parental consent, court order, exigency, and/or inquire to determine whether there was a basis to perform the examinations.

178. Kern County and Kern Medical Center's unwarranted and non-consensual forensic medical examinations on A.T., T.S., J.S.1, and J.S.2 were not an isolated incident specific to this case. On the contrary, these unwarranted and non-consensual medical examinations are regular and recurring events, and are perpetrated by Kern County and Kern Medical Center in the same or similar circumstances as alleged herein. Indeed, Kern County and Kern

1 Medical Center employees the Forensic Pediatrician for Kern County.
2 (see Exhibit C.) They continue to engage in these unconstitutional
3 practices, and will continue to do so until ordered to stop.

4 179. Kern County and Kern Medical Center's customs, policies, and/or
5 practices of were the moving force behind, and the direct and
6 proximate cause of the injuries sustained by Plaintiffs. As a result,
7 Plaintiffs have sustained general and special damages, to an extent
8 and in an amount to be proven separately at trial.

9 **PRAYER**

10 WHEREFORE, PLAINTIFFS pray for judgment against DEFENDANTS,
11 and each of them as follows:

- 12 1. Plaintiffs, and each of them, demand a jury trial as to the issues so
13 triable;
- 14 2. General damages and special damages according to proof;
- 15 3. Punitive damages as allowed by law, against the individual
16 defendants only and not against any municipal defendant;
- 17 4. Attorneys fees pursuant to 42 U.S.C. §1988, and any other
18 appropriate statute;
- 19 5. Injunctive relief, both preliminary and permanent, as allowed by law;
- 20 6. Costs of suit incurred herein;
- 21 7. Such further relief as allowed by law; and
- 22 8. Such further relief as the Court deems just and proper.

23
24 Dated: October 22, 2020 THE LAW OFFICES OF SHAWN A. McMILLAN, APC

25
26 /S/Shawn A. McMillan .
27 Shawn A. McMillan, Esq.
28 Stephen D. Daner, Esq.
Adrian M. Paris, Esq.
Attorneys for Plaintiffs

Exhibit A

Exhibit A

Exhibit A

Bakersfield (Main Office)

100 E California Ave

Bakersfield, CA 93307

(661) 631-6000

(661) 631-6200 (TTY)

CONTACT COUNTY HOME SEARCH

DHS Home Child Abuse Reporting Jamison Children's Center Family Finding Safely Surrender Statistics



In 1981, the A. Miriam Jamison Children's Center was established in response to the growing number of reported child abuse cases in Kern County.

The Jamison Children's Center is a 24-hour emergency shelter and protective custody facility, operated by the Human Services Department of Kern County. As the only emergency shelter in Kern County for abused, neglected and exploited children, Jamison Children's Center temporarily houses children who are taken into protective custody by law enforcement agencies or social workers. Children come to Jamison Children's Center from all backgrounds and walks of life.

A. Miriam Jamison Children's Center (license #157201327)
1010 Shalimar Drive
Bakersfield, CA 93306
Telephone: 661-334-3500
Fax: 661-366-6591

Vision Statement

"To provide children who need emergency shelter and protection a safe, warm and nurturing environment."

Mission Statement

"Provide the abused, neglected, and abandoned children of Kern County a temporary, safe haven where their needs can be met."

- Assist the children with their personal care, education and recreational needs
- Assure that each child receives medical, dental, or mental health care when necessary
- Identify each child's unique needs and locate appropriate resources to meet them
- Assist the child's social worker in developing the best placement option for each child, whether it be reunification with the family or an alternative placement
- Provide child welfare staff appropriate information that is descriptive of the child's current physical, emotional and health status
- Promote the child's growth and well being by providing programs that promote self-esteem, self-reliance and a sense of accomplishment

Every month, more than 180 children are cared for at Jamison Children's Center. The children are provided the basic living essentials: food, clothing, shelter, education and health care. The center also provides a dedicated, hard working staff of teachers, mental health counselors, group counselors, medical professionals and other staff, including volunteers, to replace the children's fear with hope, and a sense of security.

The majority of children taken in by the Jamison Children's Center are under age 12. The average length of stay at the center is five days. Some children remain for longer periods of time. Children from infancy to 5 years old stay at the center no



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Interactive Voice Response System
Automated Services by Phone
Call 1-877-410-8812

Need to find an ATM that accepts EBT cards in your area and know the surcharge (cost)? Select or go to the following link: ebtneame.org



[Report Child Abuse](#)

[Mandated Reporters](#)



Fostering economic opportunity and financial security for California's working families and individuals

DHS News

February is Safely Surrender Awareness Month



Safely Surrendered Babies
There is an option.
Don't abandon your baby.

[English PSA 1 2](#)
[Spanish PSA 1 2](#)
[more info...](#)



Feb 25 - Lamont
Mar 10 - Mojave
JobFest on Facebook
[List of Events](#)



www.heartgallerykc.com

[Heart Gallery of America](#)

Families Formed With Love

[Become a Resource Foster Parent](#)

[Flipbooks: English Espanol](#)



Healthy Choices
your access point to guidance on food and nutrition



Public Service Announcements:

[Child Abuse](#) [Child Abuse Prevention](#) [Pool Safety](#)
["Who is watching your child?"](#)

[Opportunities, Options, Empowerment](#)
English 1 2 3 Spanish 1 2 3

longer than six hours, requiring Human Services to constantly promote recruitment efforts for foster care homes.

Every day foster care homes are needed for:

- Long-term Foster Care (all ages)
- Emergency Foster Care (newborn - 6 years)
- Sibling Groups
- Medically Fragile Children
- Substance-exposed Infants
- Teenage Mothers and their Infants

For more foster care information call
661-631-6204

Partnerships & Collaborations

Partners collaborate to provide seamless service to meet the needs of children. Human Services partners with various agencies and community-based organizations to coordinate an immediate response in providing a protective environment for every child.

Kern County Superintendent of Schools

- Two Full-time Teachers
- One Substitute Teacher
- Two Instructional Aides

Kern County Mental Health Care

- Crisis Intervention
- Mental Health Evaluations
- Mental Health Counseling
- Follow-up Services with foster parents and/or parents to ensure the continuation of a child's care.

Kern Medical

- The Child Health and Disability Prevention (CHDP) Program provides physical and dental exams.

Jess Diamond Child Assessment Center

An on-site multi-disciplinary center, designed to decrease the trauma experienced by a victimized child.

- Human Services - Child Protective Services
- County Counsel of Kern
- Forensic Interviewers
- District Attorney's Office
- Kern County Sheriff's Office
- Bakersfield Police Department
- Kern Medical
- Kern County Mental Health Department
- Victim Witness/Kern County Probation Department

Volunteers & Community Support

Although Jamison Children's Center is funded through a county tax supported budget, government revenue is decreasing at a time when reported cases of child abuse continue to rise. Generous contributions of items and time by the people of Kern County assure the needs of children at Jamison Children's Center are met.

Volunteer Support

Opportunities to make a difference in a child's life exist for individuals who wish to volunteer on a regular basis, and for business and civic groups willing to donate their time and effort to take on a special project to benefit the Jamison Children's Center.

Community Support

The Jamison Children's Center receives support from the community throughout the year. Donations of "gently used" children's clothing, shoes, toys and games are always welcome.

For more Volunteer information call
661-334-3500

Combating Gang Violence

[Info](#) [Interagency referral form](#)
[Project 180](#) [Garden Pathways \(Facebook\)](#)
[New Life Training Center](#) [Stay Focused](#)



Your destination for
affordable health care

INFO
PSA
Fact
Sheet



[Kern County Elections](#)
[Sample Ballot/Polling Place](#)
[Election Results](#)

General Info

Administrative & Program Support Services	CalWORKs Policy Guides
Child Protective Services Statistics	DHS Contracts
DHS Jobs	Employment & Financial Services Maps
Executive Staff	Hotline Numbers
Information	Mental Health Information
Office Hours & Locations	Partners
Resource Directory: English Spanish	Stop Domestic Violence

Employee Links

Employee Email	Employee Menu
Office 365	Virtual Office

Exhibit B

Exhibit B

Exhibit B

KERN**CONTACT** **Carl Guilford**

Kern County Department of Human Services,
 Jess Diamond Center
 1010 Shalimar
 Bakersfield, CA 93306

☐ Urban ☐ Rural ☒ Combination

Phone: 661 631-6907/631-6908

Fax: 661 631-6926

Email: guilfoc@co.kern.ca.us

GENERAL INFORMATION

Operational Since: 1998
 Age range: 4-18
 Approx. No. of Children a Yr: 271 in 2006
 Area served: Kern County

TEAM COMPOSITION

Child Protective Services: ☒ Yes ☐ No | Medical: ☒ Yes ☐ No |
 Law Enforcement: ☒ Yes ☐ No | Advocacy: ☐ Yes ☐ No |
 Prosecution: ☒ Yes ☐ No | Other: ☐ Yes ☐ No |

TYPES OF CASES

☒ Felony ☒ Physical Assault ☒ Witness to Domestic Violence
☐ Elder Abuse ☐ Developmentally-delayed Clients ☐ Previous Disclosure Required
☒ Misdemeanor ☒ Sexual Assault

INTERVIEW PROCESS

Number of interviewers: 7

Interviewers come from the following agencies: Child Protective Services

Special qualifications or training for interviewers: Master's level Social Worker preferred (not required); Participation in CATTA training; Must have experience in child protective services.

Provide interviews in languages other than English: Spanish

Bilingual interviewers: ☒ Yes ☐ No |Interpreters: ☐ Yes ☒ No |Interpreters court-certified: ☐ Yes ☒ No |**MISSION STATEMENT**

The Jess Diamond Child Assessment Center Team is committed to work in partnership with the community and each entity represented on the Team to serve children who are suspected victims of abuse.

FACILITY INFORMATION

Stand alone

Sq Feet: 5000-6000 Rooms: 3

2 interview rooms; 1 medical exam room

Exhibit C

Exhibit C

Exhibit C

CONTACT US FOR ASSISTANCE, CALL 661.326.2000

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Kern Medical > About Our Doctors > John Digges, MD

PHYSICIAN SEARCH

Select Categories...

John Digges, MD

Division of Pediatrics



Dr. Digges received his Medical Doctorate Degree from the University of Oklahoma. He also received a Masters of Science Degree from the University of Arizona, and both a Masters in Public Health and a Ph.D. in Health from the University of Oklahoma. He completed the first year of a Family Practice Residency at Oklahoma Teaching Hospitals and then completed a residency program in Pediatrics at Oklahoma Children's Memorial Hospital. He practiced general pediatrics from 1984 until 1998, and since 1998 he has limited his private practice to addressing the needs of children with ADHD.

RESOURCES

- + Maps & Directions
- + News & Events
- + About Bakersfield
- + Kern Medical Foundation

Dr. Digges joined the Courtesy staff of Kern Medical in 1990 and became an Associate in Pediatrics in 1998. He serves as the Medical Director of the Jess Diamond Child Assessment Center and as the Forensic Pediatrician for Kern County, providing examinations and consultations in cases where there is a concern about child abuse. He is a member of the Continuing Medical Education Committee for Kern Medical and is a CME surveyor for the California Medical Association.

Dr. Digges has served as the Chairman of the Kern County Tobacco Free Coalition since 1995, on the Board of Directors of the Kern County Chapter of the the American Lung Association since 1997, on the Board of Directors of the Kern County Immunization Coalition since 1999, on the Technical Advisory Committee of the First 5 Commission of Kern County since 1999 and as a member of the Board of Directors of the Kern County Medical Society since 2000.

Certificates and Affiliations:

- Certified, American Board of Pediatrics
- Fellow, American Academy of Pediatrics
- Member, California Medical Association
- Member, American Professional Society on the Abuse of Children (APSAC)

Contact Us Visit Us

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For Assistance, Call 661.326.2000

Contact us via email

Associate Director of Medical
Education

Human Resources

Medical Student Program
Coordinator



Kern Medical
1700 Mount Vernon Avenue
Bakersfield, CA 93306



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